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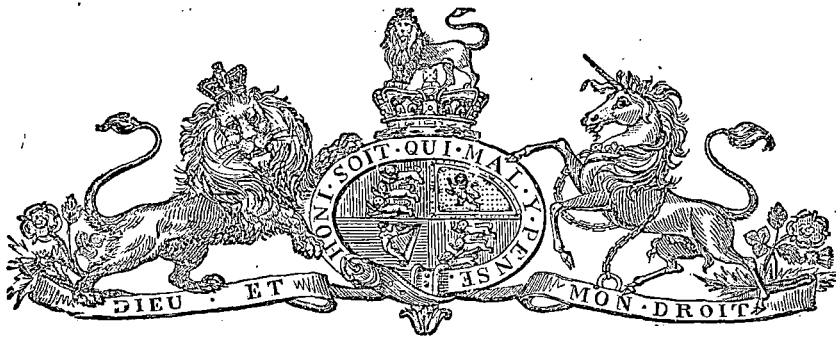
TASMANIA.

LEGISLATIVE COUNCIL.

RESIGNATION OF CAPTAIN LOWES.

Return to an Address dated September 20, 1865. (Mr. Lowes.)

Presented by Mr. Whyte, and ordered to be printed, September 27, 1865.



No. 6.
EXECUTIVE.

Government House, 23rd January, 1864.

MY LORD DUKE,

I HAVE the honor to forward a letter addressed to Your Grace by Mr. T. Y. Lowes, complaining of my decision in a case connected with the Volunteer Service.

The documents he forwards prevent the necessity of my entering into explanations, and I have only to observe that the case was referred to me by my responsible Advisers, who concurred in the opinion which I gave.

Whether my tone towards, and my treatment of, Mr. Lowes was considerate and courteous will be best judged by my three written Memoranda, the only communications which I had with Mr. Lowes. I have marked them for Your Grace's convenience.

I have the honor, &c.,

His Grace the Duke of Newcastle.

(Signed) T. GORE BROWNE.

Colonial Secretary's Office, 22nd July, 1864.

SIR,

I AM directed by the Governor to forward to you the enclosed copy of a Despatch recently received by His Excellency from the Right Honorable the Secretary of State.

I have, &c.,

The Hon. T. Y. Lowes, Esquire.

(Signed) JAMES WHYTE.

TASMANIA.
No. 32.

(Copy.)

Downing-street, 22nd May, 1864.

SIR,

I HAVE the honor to acknowledge your Despatch, No. 6, of the 23rd of January, in which you transmitted, with other documents, a letter addressed to my predecessor by Mr. T. Y. Lowes, detailing the circumstances which led to the resignation of his appointment of Captain Commanding the Buckingham Volunteer Rifle Company.

The Secretary of State for War, before whom I caused these papers to be laid, has informed me that in his opinion, assuming Captain Lowes to have had the power of reducing Serjeant-Major Swan to the ranks, you clearly had the power to order his reinstalment; and that consequently Captain Lowes' refusal to comply with such an order showed that his ideas of military subordination were defective, and justified your remarks on the occasion of your accepting his resignation.

As regards Captain Lowes' complaint of the interference of Colonel Russell with the internal affairs of the Corps, Lord de Grey is of opinion that Colonel Russell was fully justified in receiving Mr. Swan's first letter, and in referring it to the Commanding Officer for report, but that there the direct official interference between Colonel Russell and Mr. Swan should have ceased, and any further communication between them should have been made through the medium of the Commanding Officer. On the other hand, though Colonel Russell may have given Captain Lowes in this instance just ground for remonstrance, Lord de Grey can discover no excuse for the tone of the letters addressed by the latter to the former, which fully justified you in the rebuke contained in your Memorandum of the 15th August.

I have the honor, &c.,

Governor THOMAS GORE BROWNE, C.B.

(Signed) EDWARD CARDWELL,

Glenorchy, 25th August, 1864.

SIR,

I HAVE the honor to acknowledge the receipt of your letter of the 22nd ultimo, enclosing me by His Excellency's direction a copy of a Despatch received by the Governor from the Secretary of State.

I have to request that you will be good enough to assure His Excellency that Mr. Cardwell's evasive communication is just such an answer as I had anticipated from Downing-street.

The Secretary of State, of course, upholds the Governor, just as the Governor upheld all that Colonel Russell did and said in the transactions which formed the subject of my letter to the Secretary of State. But His Excellency may now learn from the Despatch which has been communicated to me that military men are not always infallible in their judgment, or invariably correct in their conduct in military matters.

The opinion of the Secretary of State for War was not required on this occasion. I never disputed the Governor's power, but I submitted to His Excellency's judgment and good sense whether it would be wise and right to exercise that power.

I now see that I calculated with too much confidence upon the Governor's desire to uphold the authority of Commanding Officers and promote the interests of a Volunteer Corps, when I expected that His Excellency, under any circumstances, would admit that he had decided on a mistaken view of the case, or that his judgment had been misled by an interested adviser; and I may add that His Excellency's determination to insist upon a precise parallel between Commanding Officers in Her Majesty's Regular Army and Commanding Officers of Volunteer Corps when not on actual service, compels me to form a very moderate estimate of Colonel Gore Browne's disposition to do justice on that occasion, and of his capacity to discriminate between circumstances and conditions similar only in name but essentially different in reality.

I wish, however, to draw the Governor's attention to the circumstance that, at the very time my power to reduce a Non-Commissioned Officer to the ranks was questioned by His Excellency and Colonel Russell, the same power was vested in Commanding Officers of English Volunteer Corps by the Regulations issued by authority from the War Department; and that in this country the power I claimed is now, by "The Volunteer Act, 1863," vested absolutely in Commanding Officers without any appeal, and without any reservation of a right of review by the Governor, or of the signification of Her Majesty's pleasure.

The facts of the case I submitted to the Governor were so glaring and conclusive, and the unhappy results of His Excellency's obstinate exercise of authority untempered by discretion have so completely justified my warnings and predictions, that it would be a waste of time to show now, what was always patent enough to everybody but the Governor, that the course I entreated His Excellency to adopt was alone compatible with justice and propriety.

I can, however, afford to treat this insignificant matter with the contempt it deserves. Could I suppose my reputation as a gentleman or as a Commanding Officer of Volunteers could suffer by the undeserved and unwarrantable language which Colonel Gore Browne has ventured to apply to my resignation, I should memorialize Her Majesty in more explicit terms than I have used to the Secretary of State, and perhaps with a different result.

The Governor may consider the favorable opinion of Mr. Cardwell or of Lord de Grey in this particular case a sufficient compensation for the miserable effects of his own unnecessary interference in the internal economy of the Volunteer Corps under my command; but His Excellency may possibly at no very distant period find the Secretary of State put a very different construction on the Governor's conduct in this matter.

The time may come when it will, perhaps, be remembered as an unfavorable incident in Colonel Gore Browne's government of Tasmania that he allowed a loyal and respectable body of colonists, enrolled in the voluntary service of their Sovereign, to be outraged and disbanded, rather than forego the exercise of a questionable power at the suggestion of such an indifferent military authority as Colonel Russell is now shown to be.

Conscious of my own rectitude, and secure of the approval of my fellow colonists, I am equally indifferent to the censure of Colonel Gore Browne and the opinion of Lord de Grey.

I have to request that this letter may be brought under His Excellency's notice at your early convenience.

I have the honor to be,

Sir,

Your most obedient Servant,

The Hon. JAMES WHYTE, Esquire, M.L.C., &c.,
Colonial Secretary.

THOS. Y. LOWES.